

# FOR YOUR INFORMATION...

City of Taylorsville  
Information Form

# P-6

CUP AMENDMENT



**City of Taylorsville**  
Community Development Department  
2600 West Taylorsville Boulevard  
Taylorsville, Utah 84118 (801) 963-5400



## Applying for a Conditional Use Amendment

*The term “conditional use” refers to a land use which would not be permitted under the normal regulations of a zoning district or ordinance, however a requested land use may be made acceptable within a zoning district if development of the use complies with special conditions provided by the Planning Commission. Specified conditions and development plans associated with a conditional use permit (CUP) may only be amended by consent of the Planning Commission.*

### Overview:

A business or property owner that desires to amend a condition or set of conditions attached to a previously issued conditional use permit (CUP) must submit to the City of Taylorsville a completed amendment request on a *Conditional Use Permit Application* form. Once the request for an amendment has been properly filed with the City, the Community Development Director (or designee) shall decide the process for review and consideration of the application based on the extent of the amendment request. *If the amendment request is determined to have significant “scope” or impact on the community, the City will require the amendment request be filed as a new conditional use permit request.*

In general, an application for a conditional use permit amendment may be considered by the City when:

- The applicant wishes to introduce a new land use not previously identified during the original conditional use permit review process.
- The applicant requests a minor change to development plans associated with a previously approved conditional use permit (i.e. a small building addition, a site plan amendment, a change to conditional use regulated signage, etc.).

Note: The conditional use permit amendment process is not the appeal procedure for a conditional use permit application. For more information regarding the appeal process for a conditional use permit see ***Taylorsville Information Form P-5 Applying for a Conditional Use Permit***.

### Pre-Application Conference:

Based on potential issues created by an amendment request, staff may require the applicant (or the applicant's agent) to attend a pre-application conference with the City's Development Review Committee prior to formal application. For additional information regarding this meeting and submittal requirements, please refer to ***Taylorsville Information Form P-4 Applying for a Pre-Application Conference***.

### Submittal Deadline:

All required submittals must be received by the Taylorsville Community Development Department at least two weeks (14 days) prior to the date of public hearing before the Planning Commission. *Incomplete applications may be delayed and not scheduled for a public hearing before the Planning Commission until completed.*

### Meeting Dates:

The City of Taylorsville Planning Commission meets in a regular business meeting at 7:00 p.m. on the second Tuesday of each month in the Council Chambers located at 2600 West Taylorsville Boulevard, Taylorsville, Utah. Please contact the Taylorsville Planning Department for specific meeting dates, times and assignments.

### Application Fees:

Conditional use permit amendment fee (for residential, commercial or industrial):      \$50.00

(over)

### **Items to be Submitted<sup>1</sup>:**

- ☐ Completed Conditional Use Permit Application – Amendment Request. Please complete the Property Owner's Affidavit (i.e. a written statement made before a notary) on back of the application form.
- ☐ If the property owner is to be represented by an "agent" during meetings with the City, please complete the Agent Authorization form that has also been provided on the back of the Conditional Use Permit amendment application.
- ☐ Application must include a detailed description of the proposed amendment request and reason(s) for the request. The application should also reference the original CUP requirement(s) if applicable.
- ☐ If required by the Community Development Department, please provide:
  - ☐ List of names, mailing addresses, and property identification numbers of all property owners within 400 feet of the subject property (notification radius increases to 600 feet for applications involving cellular communications structures). Property owner information may be obtained from the Salt Lake County Recorder's office located at 2001 South State Street, Room N2300, Salt Lake City, Utah 84190.
  - ☐ Self-adhesive mailing labels of property owners (as identified above), typed or machine printed with each property owner's name and address (no hand written labels please). Duplicate listings should be omitted.
  - ☐ Plain white envelopes (size 10 business envelope measuring 4" x 9½") with postage for each property owner as identified above. Mailing labels should not be placed on envelopes.
- ☐ If applicable to permit amendment request, submit twelve (12) copies of dimensioned site plan. Amendment request for signage plans requires only three (3) copies of the site plan. If available, please submit all plans, building elevations and renderings in an electronic format acceptable to the City (i.e. AutoCAD for Windows). Site plan should include the following information:
  - ☐ Accurate dimensions of subject property drawn to scale (i.e. scale is 1"=20', 1"=30', etc.) with north arrow. Sheet size should be a minimum of 18" x 24".
  - ☐ Location of existing and proposed buildings, parking areas, landscape areas, sidewalk, curb and gutter, etc.
  - ☐ Location of existing property features such as streets, canals, hillsides, etc.
  - ☐ Clearly indicate (i.e. highlight, circle, describe, etc.) desired changes or additions to original site plan.
- ☐ If applicable, submit one reduced 11" x 17" copy of site plan; 8.5" x 11" is acceptable if information is legible.

### **What Will Happen:**

1. A staff member of the Community Development Department will receive the CUP amendment application and fee. Staff member will assign file number, record fee and provide a receipt for payment of fee.
2. The application will be assigned to a staff member in the Planning Department to verify completion and accuracy of the application. *Incomplete or inappropriate applications may not be scheduled for public hearing and will delay the request.* A staff member will contact applicant and request any missing or additional information needed to complete the application.
3. Under the direction of the Community Development Director, planning staff member(s) shall decide the appropriate review process of the application. Staff will communicate with the applicant the decision of the Planning Department with regard to the process of the application. Specifically, the planning staff will decide the following:
  - Whether or not the application merits review as an "amendment" of a previously issued CUP. *If the amendment application is determined by the Community Development Director to have significant scope or impact, the City will require the application to be re-filed as a new Conditional Use Permit request.*
  - Whether or not the application warrants review by the Development Review Committee.
  - Whether or not the Planning Commission will review the application.
  - Whether or not the application warrants direct mail notification to neighboring property owners.
4. Following acceptance of the CUP amendment application, the Community Development Director will prepare the Planning Commission agenda and schedule all completed applications that require public hearing and Planning Commission review. If the amendment request does not require Planning Commission review, Planning Department staff will coordinate all necessary department and agency reviews. During the amendment review, planning staff will communicate to the applicant all required corrections or needed additional information. (If application receives staff review only, proceed to item 9 below.)

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<sup>1</sup> A submitted application does not imply, guarantee or grant approval of request.

5. If deemed appropriate by the City, a public hearing notice of the amendment application will be mailed to all property owners within 400 feet of the subject property (or 600 feet if request involves a communications pole). The notice will be prepared by the Planning Department staff and mailed seven (7) days prior to date of meeting.
6. Staff will prepare a Planning Commission staff report, which is delivered to all members of the Planning Commission at least four days before the public meeting.
7. Staff will provide a copy of the staff report to the applicant prior to the meeting. Delivery of the report will be by fax or mail. If the staff report is not received by one day prior to scheduled public hearing, applicant may contact the Community Development Department Secretary and request a copy of the report.
8. During the scheduled public hearing, the applicant, the applicant agent, and all other members of the public who desire to ask questions, state concerns or provide oral testimony either for or against the application are invited to do so. All comments are recorded and considered by the Planning Commission. Following the public hearing, the Planning Commission may:
  - **Approve the application as presented.** If the application is approved, the applicant must then comply with all applicable City ordinances and development plans as proposed.
  - **Approve the application with conditions.** Following Planning Commission approval, the applicant must then comply with all applicable City ordinances and proposed development plans with the additional conditions of Planning Commission approval.
  - **Continue or “table” the application for further study.** If the application is continued for further study and review, Staff will reschedule the application for Planning Commission consideration once the application is ready for review.
  - **Deny the application based on “findings of facts” gathered from the Planning Commission staff report and other applicable discovery information.** If the application is denied, the applicant may appeal the decision (as stated below).
9. Staff will prepare a letter, written to the applicant, stating the Planning Commission (or staff) ruling. The letter will contain a list of approved amendments to the original conditional use permit. A copy of the letter will be filed and maintained within City records.

#### ***Appeal of Planning Commission Decision:***

Anyone not satisfied with a decision of the Planning Commission may appeal the decision to the City Council. The appellant may be the applicant, an adjacent property owner, an effected resident, or even the City of Taylorsville itself. Appeals must be in writing and received by the City within ten (10) days of the Commission's final decision. Appeals must contain all pertinent documents and state reason(s) for the appeal (*City Code of Ordinances, 13.50.120, Appeal of planning commission decision*). Payment of a \$35.00 fee is required at the time of filing.

#### ***Appeal of Community Development Director Decision:***

Any person shall have the right to appeal the decision of the Community Development Director to the Planning Commission by filing a letter with the Planning Commission within ten (10) days of the Community Development Director's decision, stating the reason for the appeal and requesting a hearing before the Planning Commission at the earliest regular meeting of the commission. (*City Code of Ordinances, 13.50.110, Appeal of community development director decision.*)

#### ***Expiration of Conditional Use Application Approval:***

Approval of any conditional use application by the Planning Commission or the Community Development Director will expire 24 months after the date of the approval decision unless the applicant has obtained the conditional use permit and a building permit, where required, for the use within the allotted 24-month period following the approval. The date of the approval decision shall be the date of the preliminary approval decision where the application approval process includes both a preliminary and final approval. A 12-month extension can be obtained subject to paying an extension fee equal to 1.0 times the original filing fee (*City Code of Ordinances, 13.50.140, Time limit*).